

## REMARKS

In response to the Office Action, claims 3, claims 12-22, 24-43 and 46 have been cancelled and claims 1, 2, 4-10 and 23 have been amended.

With respect to claims 1, 4-7 and 23, Buehler has no reattachable/detachable overcap as part of a first component. This patent relates to a piercing tip on a dispensing member.

The present invention, in contrast, relates to an assembly useful for a hot fill or fill of a container and not a piercible tip arrangement as in Buehler for a fillable container assembly.

With respect to claims 1-11 and 23, Coory does not have a first component with all of the functionality claim 1 requires. The cap is independent of the skirt and there is no tear strip, etc.

Coory has no first component as contemplated by the present invention. Instead, there is a threaded skirt carrying a sleeve in which a nozzle type member is adapted to reciprocate. A separately moulded member provides the detachable overcap, i.e., the detachable overcap is in the same form as when the capping assembly has not been utilized as it is afterwards. In the present invention, the first component itself defines the skirt adapted to engage or engaging the exterior of the neck of a suitable container and it is from that directly or indirectly that the

detachable overcap is removable.

Beck does not seal a space as required in claim 1 as the intermittent bridges allow ambient air entry under the removable cap. Moreover, there is no nozzle component carried through a second member.

When considered in terms of claim 1 of the present invention, Beck does not have a nozzle carried through a second component, moreover that component which would need to be considered as a first component does not, together with the second component and the nozzle component, define a fully enclosed space about part of the nozzle component.

Molloy does not appear to disclose a fully enclosed space as required. It relies on frangible bridges. There is no disclosure of which part it is from which the cap can be a tear strip detached nor which member engages a container.

The most favorable consideration of Molloy as prior art provides no “enclosed space” as required owing to frangible bridges with gaps and no indication the detached cap can be reattached.

Based on the foregoing amendments and remarks, it is respectfully submitted that the present application should now be in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the

Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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